

State of Kansas

**Department of Health
and Environment****Notice of Hearing on Proposed
Administrative Regulations**

The Kansas Department of Health and Environment, Division of Environment, Bureau of Water, will conduct a public hearing at 1:30 p.m. Thursday, May 13, at the city of Hutchinson Water Treatment Center, 803 E. 23rd Ave., Hutchinson, to consider the adoption of new and revised underground injection control (UIC) regulations regarding Class III salt solution mining wells.

A summary of the proposed regulations and the regulatory impact statement follows:

The Class III salt solution mining regulations, K.A.R. 28-43-1 through 28-43-11, were originally adopted in 1979, prior to the Environmental Protection Agency delegating authority to KDHE for implementation of the federal UIC Program. KDHE is proposing revocation of the existing Class III regulations and incorporation of these regulations into the existing UIC regulations under Article 46 for Class I, IV and V well types, resulting in one set of regulations for all UIC wells regulated by KDHE. The proposed new and amended UIC regulations for Class III salt solution mining wells will provide additional safety requirements to ensure stability of well caverns. Other monitoring and reporting requirements will also provide further protection of public health, safety and the environment.

Regulatory Impact Statement — Environmental Benefit: Subsidence of Class III salt solution mining well caverns pose a significant risk to public safety, property and the environment due to the resulting physical hazard of a sinkhole and contamination of the fresh and usable aquifer. The proposed regulations will significantly reduce health, safety and contamination threats posed by this type of injection well and failure of the well's solution cavern.

Regulatory Impact Statement — Economic Impact Statement: The salt solution mining industry will bear some additional costs associated with a loss of salt reserves and with increased cavern setback distances and spacing requirements. Other costs will be incurred with installation of a groundwater monitoring well network and associated sampling costs. Fees assessed to facility operators will fund the regulatory oversight for salt solution mining wells. An annual fee of \$12,000 per facility and \$175 per unplugged well will be required to meet estimated regulatory program expenses. These regulations will not increase costs to KDHE or other government agencies or units.

The time period between publication of this notice and the date of the public hearing serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulations. At any time during the public comment period, interested parties may submit written comments to Kirk Hoeffner, Geology Section, Bureau of Water, Kansas Department of Health and Environment, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367, by fax to (785) 296-5509,

or by e-mail at khoeffner@kdheks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action at the hearing. In order to give each individual or entity an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit their presentation to an appropriate time frame.

A copy of the proposed regulations and the regulatory impact statements may be obtained by contacting Kirk Hoeffner at (785) 296-1843. The proposed regulations and the regulatory impact statement are located on the KDHE Web site at <http://www.kdheks.gov/uic/index.html>. Questions pertaining to the proposed regulations also should be directed to Kirk Hoeffner.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and regulatory impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Kirk Hoeffner.

Roderick L. Bremby
Secretary of Health
and Environment